

EXHIBIT 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF GARY T. BROWN

San Francisco, California

Friday, March 24, 2017

Volume I

Reported by: SUZANNE F. GUDELJ
CSR No. 5111

Job No. 2577644

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1 related.

2 Q All right. Let me ask it this way: When
3 did you first do any kind of analysis of whether or
4 not an Uber employee or an Otto employee who used to
5 work at Google or Waymo may have taken documents
6 that they weren't supposed to take? 11:38:40

7 A I -- I have the same response, that I'm
8 unsure whether someone was an Uber or an Otto
9 employee.

10 Q All right. Let me show you your
11 declaration, Exhibit 1013. 11:39:03

12 (Deposition Exhibit 1013 marked by the
13 court reporter.)

14 BY MR. GONZALEZ:

15 Q Is this a copy of the declaration that you
16 put together -- or that you signed? 11:39:08

17 MR. HOLMES: Be sure to take a look at it.

18 THE WITNESS: Yes.

19 BY MR. GONZALEZ:

20 Q All right. And just as an example of what
21 I'm talking about, if you go to page 5, you'll see
22 that you have some paragraphs based upon an
23 individual named Sameer. Do you see that -- 11:39:24

24 A Yes.

25 Q -- beginning with paragraph 24? When did 11:39:40

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1 you first start doing any kind of an analysis
2 pertaining to Sameer?

3 A I believe August or September 2016.

4 Q And the same question with respect to Radu,
5 who is referenced at paragraph 29. I notice that 11:40:18
6 there isn't any indication of when you did that
7 work. When did you do your analysis pertaining to
8 Radu that resulted in the information that is in
9 paragraph 29?

10 A I believe that began August or 11:40:38
11 September 2016.

12 Q At around the same time?

13 MR. HOLMES: Objection to form.

14 BY MR. GONZALEZ:

15 Q Did you do your analysis pertaining to 11:40:47
16 Mr. Raduta at the same time that you did the
17 analysis pertaining to Sameer?

18 A Around the same time.

19 Q Was there one that you did first?

20 A I don't recall. 11:41:02

21 Q Are you familiar or do you recall when you
22 began doing the work pertaining to Anthony
23 Levandowski that begins at paragraph 12 of your
24 declaration? Was it around the same time or a
25 different time period? 11:41:22

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1 A A different time period.

2 Q When did you begin doing your work with
3 respect to Mr. Levandowski?

4 A Around March 2016.

5 Q So the information that is contained in the 11:41:37
6 paragraphs pertaining to Mr. Levandowski, let's say
7 paragraphs 12 through paragraphs 22 of your
8 declaration, that is information that you obtained
9 in approximately March of 2016?

10 MR. HOLMES: Objection to form.

11:41:58

11 THE WITNESS: Between March 2016 and
12 February 2017.

13 BY MR. GONZALEZ:

14 Q All right. So let's try it this way: Of
15 the information that is in your declaration in 11:42:21
16 paragraphs 12 through 23, what information did you
17 uncover, if you will, or learn about in March of
18 2016?

19 A Very little, if any.

20 Q What work did you do in March of 2016 11:42:58
21 pertaining to Mr. Levandowski?

22 A I received the laptop -- laptops I should
23 say.

24 Q The laptops that he was assigned at Google?

25 A Yes. 11:43:27

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1 Q What were you asked to do?

2 MR. HOLMES: Same caution.

3 THE WITNESS: Investigate a laptop.

4 BY MR. GONZALEZ:

5 Q For what?

11:55:59

6 MR. HOLMES: Same caution.

7 THE WITNESS: To determine what had

8 occurred on them.

9 BY MR. GONZALEZ:

10 Q Such as?

11:56:17

11 A Indications of policy violation.

12 Q Did you find any indication of policy

13 violation?

14 A I'm unsure.

15 Q Approximately how many hours did you spend

11:57:03

16 in March of 2016 working on this event pertaining to

17 Mr. Levandowski?

18 MR. HOLMES: Objection to form.

19 THE WITNESS: Zero hours.

20 BY MR. GONZALEZ:

11:57:28

21 Q When did you spend your first hour working

22 on anything pertaining to Mr. Levandowski?

23 A July or August, 2016.

24 Q If there is an indication of policy

25 violation, is it your practice to fill out a form

11:57:45